IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3643 OF 2006

Dr.Jayesh Dhondu Pawar — Applicant
versus
The State of Maharashtra — Respondent

Mr.Tajesh Dande for applicant.
Mr.S.S.Pednekar, APP for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 11th October 2006

PC :

1. The petitioner apprehends arrest in connection with CR No.87 of 2006 which is registered with Kalvan Police Station alleging offences punishable under sections 406, 420 of IPC and Section 4(1)(a)(b)(c) of the Bombay Lotteries (Control and Tax) and Prize Competitions (Tax) Act, 1958.

2. From a perusal of the application and the annexures thereto it appears that the complainant and the petitioner who is a local resident and an active social and political worker, have a long standing dispute over the elections and

membership of Nashik District Girna Co-operative Bank Limited, Kalvan. The petitioner has specifically urged that the complainant is Dattatraya Rambhau Raundal. His brother Suresh is a member of this Co-operative Bank. The elections are due and on account of the order passed by the Registrar, Co-operative Societies, the said Suresh and another lady Nisha Hemant Chandratre would not be able to participate in this election. The petitioner has pointed out that the complainant Dattatraya has also been accused by the petitioner on the earlier occasions of having created commotion and trouble in the Annual General Meeting and spreading rumours about functioning of the bank. The complaint has to be seen, according to the petitioner, in this background and he submits that when the monies have been allegedly paid in the year 2001 and due receipts have been given, then no offence muchless of cheating or breach of trust has been committed. The learned Judge who was hearing the anticipatory bail application, has observed very clearly that the receipts are of the year 2001. If at all the amounts were collected in that year and allegedly diverted, then as per the prosecution itself, the relevant details as also documents could be seized from

the appropriate authorities. If the monies are diverted allegedly to a public school which is a charitable trust, then whether returns are filed or not with the Charity Commissioner, would also become clear after the necessary records are investigated. Petition has attended pursuant to the ad-interim order passed by this Court and has given his specimen signature as well.

3. In my view, no custodial interrogation is necessary. More so, when I find substance in the contention of the petitioner that the complaint has a political background and a personal enimity. In such circumstances, the following order would serve the ends of justice.

4. ORDER :-

(i) In the event of the arrest of the applicant in connection with C.R.No.87 of 2006 registered with Kalvan Police Station, District Nashik the applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.25,000/- (Rs.Twenty five thousand only) with one or two local sureties in the like sum;

(ii) The applicant shall report to Kalvan Police

Station once in a fortnight till charge sheet is filed;

(iii) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The applicant shall not tamper with the prosecution evidence;

(iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial;

(v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate Court for appropriate relief;

(vi) Application is disposed of in the above terms.

(S.C.DHARMADHIKARI, J.)